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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,523	12/28/2000	Thomas Hock	CSCO-90747	8844

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EXAMINER

ELALLAM, AHMED

ART UNIT	PAPER NUMBER
2662	6

DATE MAILED: 06/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

	Application No.	Applicant(s)
	09/751,523	HOCK, THOMAS
	Examiner AHMED ELALLAM	Art Unit 2662

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 28 December 2000.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-36 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-8, 10-17, 19-26 and 28-35 is/are rejected.  
 7) Claim(s) 9, 18, 27 and 36 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   |   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
|  | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 7, 8, 16, 17, 25, 26, 34 and 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention

In claims 7, 8, 16, 17, 25, 26, 34 and 35, the meaning of the phrase "version of the RSVP (Resource Reservation Protocol)" is vague. More specifically, it is not clear what version is being implemented.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 10-14, 19-23, and 28-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Bernet et al, US 2004/0022191.

Regarding claims 1, 10, 19, and 28, Bernet discloses a method suitable for IP telephony (claimed voice streams), the apparatus/method/system comprising:

A sender node 60 for sending a path message for IP telephony (claimed voice streams), the path message configured for establishing a path through RSVP aware devices 64-66 (claimed IP network). See paragraphs [0035]. (claimed transmitting a path message for voice communications, the path message configured for establishing a communication path through an IP network);

A receiving node 62 for transmitting a reservation message (RSVP message) in response to the path message, specifying a requested bandwidth by the sender, see paragraphs [0035] and [0036]. In addition, B further discloses that the receiving node may respond to the requesting node by returning a qualitative return message that specify the requesting service type, see paragraph [0055]. (Claimed receiving a reservation message in response to the path message, the reservation message specifying a range of voice streams for a bandwidth reservation);

Implementing the bandwidth reservation for the requested type of service, see paragraph [0038]. (claimed implementing the bandwidth reservation for the range of voice streams in accordance with the reservation message).

Regarding claims 2, 11, 20 and 29, Bernet disclosed that the sender node 60 is an originating IP computer, see paragraph [0036]. (Claimed the path message is transmitted from an originating IP network device).

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Regarding claims 3, 12, 21, and 30, Bernet discloses that node 62 transmits a reservation message (RSVP message). See [0036]. (Claimed the reservation message is transmitted from a terminating IP network device).

Regarding claims 4, 13, 22 and 31, Bernet with reference to figure 3, discloses an application 90 executing in a sender device 92 for generating a path message. See paragraph [0039]. (Claimed generating the path message using a voice application executing on an originating IP network device).

Regarding claims 5, 14, 23 and 32, with reference to figure 3, Bernet shows a terminating IP device that generates the RESV message. See also paragraph [0052]. (Claimed the reservation message generated by a terminating IP network device).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6 , 15 , 24 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernet in view of Bardalai et al, US (6,515,966).

Regarding claims 6, 15, 24 and 33, Bernet discloses substantially all the limitations of respective base claims 1, 10, 19 and 28 as indicated above, and in addition it discloses a plurality of routing nodes (i.e. Figure 6).

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Bernet does not explicitly disclose updating a bandwidth reservation table in accordance with the reservation message; and reserving bandwidth for transmission using the reservation table.

However, with reference to figure 2, Bardalai discloses in the same field of endeavor, updating reservation state blocks and reserving bandwidth for transmission using the reservation updates, see column 10, lines 55-67 and column 11, lines 1-8. (Claimed updating a bandwidth reservation table in accordance with the reservation message; and reserving bandwidth for transmission using the reservation table).

Therefore, it would have been obvious to an ordinary person of skill in the art, at the time the invention was made to have the updating method of Bardalai applied in the nodes of Bernet so that routing of QoS traffic can be routed in a dynamic fashion in accordance with the variations in the network load, the benefit being dynamic bandwidth allocation.

7. Claims 7, 8, 16, 17, 25, 26, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernet/Bardalai's method/system as applied to respective parent claims 6, 15, 24 and 33 above, and further in view of Braden et al (cited in the IDS filed February 28, 2001).

Regarding claims 7, 8, 16, 17, 25, 26, 34 and 35, Bardalai in view of Bernet discloses substantially all the limitations of parent claims 6, 15, 24 and 33, except they don't explicitly disclose reservation state blocks are filter-spec in accordance with RSVP (Resource Reservation Protocol). (Claimed reservation table is a filter specification table in accordance with a version of the RSVP).

However, It is a standard that filter specification objects are used in conjunction with RSVP flow specification objects to set classification parameters for network devices. See Braden (RSVP Version 1 Functional Specification, page 103.

Therefore, it would have been obvious to an ordinary person of skill in the art, at the time the invention was made to implement RSVP filter specification standard indicated by Braden along Bernet's reservation state blocks to set classification parameters in Bernet's routing nodes in accordance with RSVP standard. The benefit would be the interoperability between equipments from different vendors operating in the network of Bernet.

#### ***Allowable Subject Matter***

8. Claims 9, 18, 27 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Rothchild et al, US (6,226,686); McCloghrie et al, US (6,286,052); Donovan, US 2002/0041590; Guo et al, US 2002/0054405; Vargo et al, US (6,477,164); Chuah et al, US (6,519,254); Hahne et al, US (6,538,416); Aukia et al, US (6,594,268) and Parnafes et al, US (6,721,272).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AHMED ELALLAM whose telephone number is (703) 308-6069. The examiner can normally be reached on 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kizou Hassan can be reached on (703) 305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHMED ELALLAM  
Examiner  
Art Unit 2662  
May 25, 2004



JOHN PEZZLO  
PRIMARY EXAMINER